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EXAMINER

PLUCINSKI, JAMISUE A

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/642,892
Filing Date: August 18, 2003
Appellant(s): CALVESIO ET AL.

MAILED

OCT 31 2007

GROUP 3600

Beth L. McMahon
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed July 27, 2007 appealing from the Office action mailed February 7, 2007.

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(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

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(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-32 are rejected under 35 U.S.C. 102(b) as being anticipated by Sehr (6,085,976).

3. With respect to Claims 1, 23 and 31: Sehr discloses a method of using a data processing system as well as a system for processing travelers (see abstract) that comprises the steps of:

a. Prior to the time of travel, employing the data processing system to enroll a traveler to utilize an automated check in process, Sehr discloses that a user receives a passenger card, where the passenger card has stored personal information in the card, including ticketing information as well as address and biometrics information (See Column 2, lines 63-67, Column 3, lines 57-67, Column 4, lines 44-53 and Column 5, lines 29-32). The examiner considers this to be enrolling the passenger due to the fact that the user must first register the information in the card, and receive the card before use, therefore enrolling in the system, which uses the card for ticketing and other purposes. Sehr discloses the passenger card can hold passport information, Column 43, lines 4-67 discloses a process of obtaining the passport and loading the passport information onto the card. Sehr discloses the application for a passport is forwarded to a

passport official, and reviewed by the agency and the agency will issue/renew the passport, which enables international border crossing. The examiner considers the agency to be a form of an enrollment representative.

- b. At the time of travel, utilizing the automated check-in process to complete activities necessary to enable an international border crossing (Column 11, lines 31-59, Column 23, lines 21-26 and Column 35, lines 57-62). Sehr discloses that the process of checking-in, tagging the luggage and issuing a boarding pass (which is done in the day of travel) can also be accomplished automatically via the card's built-in computerized means (Column 35, lines 57-62). It is the examiner's position that one must first check-in, in order to travel, therefore the automatic check-in process of Sehr (without human intervention), is utilized to complete the international border crossing.
4. With respect to Claims 2-5, 9-11, 27 and 28: Sehr discloses that background information is loaded into the passenger card. Where the background information is an electronic representation of a passport (Column 14, lines 15-27). Sehr also discloses that information on the card can be matched with information in other government databases (Column 11, lines 56-62 and Column 32, lines 1-18 and 44-47)
5. With respect to Claims 6-8, and 26: See Column 17, lines 43-67, Column 20, lines 47-57, and Column 13, lines 4-11)
6. With respect to Claim 12: See Column 8, lines 3-58.
7. With respect to Claims 13 and 14: Sehr discloses that there is a dialogue between the check-in station and the passenger (Column 32, lines 61-63) and states that forms are filled out by the passengers where the passenger signs a signature pad (Column 41, lines 27-35). The

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examiner considers this to be a form of a questionnaire, due to the fact that the form has pre-printed information, that the passenger has to fill out, or answer.

8. With respect to Claim 15: See Column 24, lines 19-53 and Column 34, line 37-38.

9. With respect to Claims 16 and 25: See Sehr, Column 7, lines 25-64. Sehr discloses a travel center to be a self-service machine in such places as airports, railroad stations and travel agencies. The examiner considers this to be a form of a kiosk.

10. With respect to Claims 17-20, 24, 29, 30 and 32: See Column 41, line 36 to Column 42, line 42.

11. With respect to Claim 21: See Column 4, lines 44-53

12. With respect to Claim 22: See Abstract, and Column 4, lines 26-42.

(10) Response to Argument

With respect to Appellant's argument with Issue A, whether Sehr teaches that an authorized enrollment representative, prior to the time of travel, verifies that a traveler is eligible to make an international border crossing: The examiner has pointed to Sehr, which teaches the use of a passport agency, which verifies and renews a passport and then puts this information into a smart card. The appellant has stated that passport agencies such as the U.S. State department do not perform any verification process that may determine whether the traveler is eligible to make any particular international border processing. The examiner disagrees. The passport is not merely a form of identification. As passport is used to allow U.S. Citizens to travel to foreign countries, and many countries require the use of a passport to enter into the country. The appellant is arguing that the passport alone will not determine whether the traveler can travel to any

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particular country, that additional country specific requirements will also be needed. However, there are many countries, which only need the use of a passport to entry the country, therefore when the traveler enters these countries, then the limitations are met. The appellant is arguing that a passport does not “enable” an international border crossing, due to the fact that in order to receive a passport, the traveler does not need to identify which countries will be traveled to. However as stated about, there are many countries which only need a passport to enter, therefore for those countries, a passport does “enable” an international border crossing. The claims as written are very broad. It only states an enrollment representative verifies that the traveler is eligible to make an international border crossing, the appellant is arguing claim limitations, which are not in the claims.

With respect to Appellant’s argument with Issue B, whether Sehr teaches that an authorized enrollment representative, prior to the time of travel, enrolls a traveler to utilize an automated check-in procedure: the appellant has stated that the passport official of Sehr does not enroll a traveler to use the automated check-in. In the rejection, as stated above, the examiner has relied on sections of Sehr (See Column 2, lines 63-67, Column 3, lines 57-67, Column 4, lines 44-53 and Column 5, lines 29-32) which points to other areas in the specification to where Sehr issues a travel card, or a smart card, which allows a user to utilize automatic check in. The issuance of this card is considered to be enrolling a traveler to utilize automated check-in. The limitation of the passport agency was merely used to show the smart card system of Sehr enables a user for international border crossing, the passport agency was not used to enroll the traveler in the automated check-in process. Therefore the examiner considers Sehr to disclose this limitation,

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as stated in the rejection above. The examiner has argued that the enrolling process utilized in the rejection is a self-enroll process, and therefore not by “an authorized enrollment representative”. The definition of “representative” is something that is serving to represent. This does not claim it has to be a person. An automated kiosk can be a representative, due to the fact that it represents an authorized enrollment. The kiosk of Sehr is authorized to enroll a traveler, therefore the examiner considers it to be an authorized enrollment representative. As stated above, it should be noted that the claims are written very broadly, therefore the examiner considers Sehr to anticipate this claim limitation.

With respect to Appellant’s argument with Issue C, whether Sehr teaches automated check-in process that enables crossing of an international border without aid of human intervention: First it should be noted that in the arguments, the appellant has stated that the claims recite “enables crossing of an international border without aid of human intervention” however the claims are actually much broader, and state “utilizing the automated check-in process to enable crossing of the international border which may then be completed without aid of human intervention. The term “may then be” indicates that this step is optional, does not positively state that the crossing at the international border “has” to be done without aid of human intervention.

The appellant is arguing that the check-in of Sehr is done manually, and is not automatic and not done without aid of human intervention. Sehr discloses it is possible for there to be human intervention, and have the airline representative check-in the passenger, however clearly states in Column 35, lines 57, “The above process of checking-in, tagging the luggage, and issuing a boarding pass by an airline representative can also be accomplished automatically via

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the card's built-in computerized means, while coupling the card to the passenger station-line apparatus and communicating with the airliner's system database". Whereas Sehr discloses it can be done manually, in the alternative it can also be done automatically, Sehr discloses human intervention as an alternative process, not a combined process. Sehr discloses checking-in the passenger as well as checking in the luggage, and does not state that it is in reference to only baggage check-in procedure. It states that the issuing of a boarding pass is done automatic. The issuing of a boarding pass is done when a passenger checks-in. A baggage is not issued a boarding pass, therefore it is the examiner's position that the check-in procedure is pertaining to the passenger as well as the baggage. Sehr discloses an entire process from checking in a passenger, to checking in the luggage to tagging the luggage, and states that the above process, containing multiple steps. Sehr does not disclose the process is only automated for the baggage, due to the fact that it clearly states a boarding pass, which is for the passenger, therefore the statement is directed towards a passenger as well as baggage. Sehr states that because this is an international travel, the passenger's passport will be verified as well, and further discloses the representative can verify the passport, However, the examiner is interpreting this section to mean, that because it is international travel the passport has to be verified, not that it must be verified by a representative. Sehr clearly discloses all of the above check-in procedures (which include verifying passports) can be done automatically, therefore the examiner considers Sehr to anticipate crossing the border without human intervention.

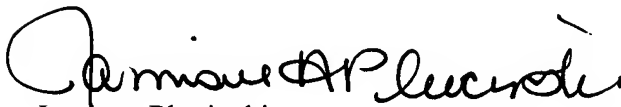
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(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,


Jamsue Plucinski

Conferees:

John Weiss



Dean Nguyen

